

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

***Return Date: December 2, 2021***

***Time: 9:30***

-----X  
In re:

Chapter 13  
Case No.: 21-71691-736

DOUGLAS J. FILARDO

Debtor(s)

**NOTICE OF MOTION**

-----X  
SIRS / MADAMS

**PLEASE TAKE NOTICE**, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 2nd day of DECEMBER, 2021 at 9:30., at the United States Bankruptcy Court located at the Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Islandia, New York  
November 8, 2021

Yours, etc.

MICHAEL J. MACCO  
Chapter 13 Trustee  
2950 Express Drive South, Suite 109  
Islandia, New York 11749  
(631) 549-7900

To: *Office of the United States Trustee*  
*DOUGLAS J. FILARDO, Debtor(s)*  
*RONALD D. WEISS, ESQ. Attorney for Debtor(s)*  
*All Interested Parties and Creditors*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

**tmm1634**

Chapter 13  
Case No.: 21-71691-736

DOUGLAS J. FILARDO

Debtor(s)

**APPLICATION**

-----X  
TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate, respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on September 27, 2021, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to provide the Trustee with copies of social security statements for recent pay period including the sixty (60) days prior to filing; Operating Reports including bank statements; an amended Chapter 13 Plan; proof post-petition payments on both mortgages and both cars have been made; proof December tax payment has been made; copies of the closing papers for the reverse mortgage; bank statements from all non-filing spouse's bank accounts and from Chase account ending 3565 from March 1, 2021 - September 30, 2021 all pages; and a Withdrawal from Objection to Confirmation.
3. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

**WHEREFORE**, the Trustee requests an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York  
November 8, 2021

**Michael J. Macco**  
Michael J. Macco, Chapter 13 Trustee  
2950 Express Drive, Suite 109  
Islandia, NY 11749  
(631) 549-7900

STATE OF NEW YORK     )  
COUNTY OF SUFFOLK    )       ss.:

STEPHANIE TURNER, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On November 8, 2021, deponent served the within:

**NOTICE OF MOTION AND APPLICATION**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Douglas J. Filardo*  
27 Montauk Hwy  
Westhampton, NY 11977  
Debtor(s)

and upon the following parties, by the e-mail address designated by said parties for that purpose;

*Office of the United States Trustee*  
*Alfonse M. D'Amato U.S. Courthouse*  
[USTPRegion02.LI.ECF@usdoj.gov](mailto:USTPRegion02.LI.ECF@usdoj.gov)

*Ronald D. Weiss, Esq.*  
[weiss@ny-bankruptcy.com](mailto:weiss@ny-bankruptcy.com)  
Attorney for Debtor(s)

*Star Auto Sales of Queens, LLC*  
*c/o Berger, Fischhoff, Shumer, Wexler & Goodman, LLP*  
*Attn: Gary C. Fischhoff, Esq.*  
[gfischhoff@bfsllawfirm.com](mailto:gfischhoff@bfsllawfirm.com)

*Star Auto Sales of Queens, LLC*  
*c/o Milman Labuda Law Group PLLC*  
*Attn: Joseph M. Labuda, Esq.*  
[joe@mllaborlaw.com](mailto:joe@mllaborlaw.com)

*Star Auto Sales of Queens, LLC*  
*c/o Milman Labuda Law Group PLLC*  
*Attn: Jamie S. Felsen, Esq.*  
[jamie@mllaborlaw.com](mailto:jamie@mllaborlaw.com)

*Bashian & Papantoniou, P.C.*  
*Erik M. Bashian, Esq.*  
[eb@bashpaplaw.com](mailto:eb@bashpaplaw.com)

**/s/ Stephanie Turner**  
**STEPHANIE TURNER**

Sworn to before me this  
8<sup>th</sup> day of NOVEMBER, 2021

**/s/ Loni Bragin**  
NOTARY PUBLIC  
Loni Bragin  
Notary Public, State of New York  
No. 01BR6172194  
Qualified in Suffolk County  
Commission Expires August 6, 2023